

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOFTWARE RIGHTS ARCHIVE, LLC

v.

**GOOGLE INC., YAHOO! INC., IAC
SEARCH & MEDIA, INC., AOL, LLC,
AND LYCOS, INC.**

Civil Case No. 2:07-cv-511 (CE)

JOINT MOTION TO EXTEND VARIOUS SCHEDULING DEADLINES

Come now Plaintiff Software Rights Archive, LLC and Defendants Google, Inc., Yahoo! Inc., IAC Search & Media, Inc., AOL, LLC, and Lycos, Inc. and file this Joint Motion to Extend Various Scheduling Deadlines, and in support of same would show the Court as follows:

1. The parties have reached agreement to extend various scheduling and/or discovery response deadlines in this matter. The current deadlines and the agreed to extended deadlines appear in the below chart:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>AGREED TO EXTENDED DEADLINE</u>
Plaintiff's Deadline to file Sur-Reply to Defendants' Motion to Dismiss (Dkt. No. 66)	December 10, 2008	December 17, 2008
Plaintiff's Deadline to serve objections and responses to Defendants' First Set of Common Interrogatories (Nos. 1-9)	December 24, 2008	January 5, 2009
Defendants' Deadline to comply with P.R. 3-3: Defendants' Invalidity Contentions	January 16, 2009	January 23, 2009
Defendants' Deadline for Document Production under P.R. 3-4(a) and (b)	January 16, 2009	February 13, 2009
Defendants' Deadline for Document Production under paragraph 3(b) of September 12, 2008 Discovery Order (Dkt. No. 82)	April 17, 2009	May 15, 2009

2. This case is still in its relatively early stages, and the above agreed to extended deadlines will not adversely affect any other of the Court's deadlines. For example, jury selection is not scheduled to occur until May 2, 2011.

This Motion is not sought for delay, but that justice might be done.

WHEREFORE, the parties jointly and respectfully request that the above deadlines be extended as agreed to by the parties as set forth in the above chart.

Dated: December 10, 2008

Respectfully submitted,

By: /s/ Lee L. Kaplan (by permission)
Lee L. Kaplan
LEAD ATTORNEY
State Bar No. 11094400
SMYSER KAPLAN & VESELKA, L.L.P.
700 Louisiana, Suite 2300
Houston, Texas 77002
(713) 221-2323
(713) 221-2320 (fax)
lkaplan@skv.com

Victor G. Hardy
State Bar No. 00790821
(Requesting Admission *Pro Hac Vice*)
Andrew G. DiNovo
State Bar No. 00790594
Adam G. Price
State Bar No. 24027750
Jay D. Ellwanger
State Bar No. 24036522
DiNOVO PRICE ELLWANGER LLP
P.O. Box 201690
Austin, Texas 78720
(512) 681-4060
(512) 628-3410 (fax)
vhardy@dpelaw.com

Of counsel:

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
CAPSHAW DERIEUX
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, TX 75606-3999
(903) 236-9800
(903) 236-8787 (fax)
ccapshaw@capshawlaw.com

Robert M. Parker
State Bar No. 15498000
Robert C. Bunt
State Bar No. 00787165
Charles Ainsworth
State Bar No. 0078352
PARKER, BUNT & AINSWORTH, P.C.
100 East Ferguson, Suite 1114
Tyler, Texas 75702
(903) 531-3535
(903) 533-9687 (fax)

ATTORNEYS FOR PLAINTIFF
SOFTWARE RIGHTS ARCHIVE,
L.L.C.

By: /s/ Thomas B. Walsh, IV

Juanita R. Brooks – Lead Attorney

(CA Bar No. 75934)

E-mail: brooks@fr.com

Jason W. Wolff

(CA Bar No. 215819)

E-mail: wolff@fr.com

Fish & Richardson P.C.

12390 El Camino Real

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

Thomas B. Walsh, IV

Texas Bar No. 00785173

Fish & Richardson P.C.

5000 Bank One Center

1717 Main Street

Dallas, TX 75201

Telephone: (214) 747-5070

Facsimile: (214) 747-2091

E-mail: walsh@fr.com

Harry L. Gillam, Jr.

Texas Bar No. 07921800

E-mail: gil@gillamsmithlaw.com

Melissa R. Smith

Texas Bar No. 24001351

E-mail: melissa@gillamsmithlaw.com

GILLAM & SMITH, L.L.P.

303 South Washington Avenue

Marshall, TX 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Attorneys for Defendants GOOGLE INC. and AOL LLC

By: /s/ Richard S.J. Hung (by permission)

Michael A. Jacobs (CA Bar No. 111664)
Richard S. J. Hung (CA Bar No. 197425)
MORRISON & FOERSTER
425 Market Street
San Francisco, CA 94105
Telephone: 415-268-7000
Facsimile: 415-268-7522
Email: mjacobs@mofo.com
Email: rhung@mofo.com

Michael E. Jones
Texas Bar No. 10929400
Potter Minton, A Professional Corporation
110 North College, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846
Email: mikejones@potterminton.com

Attorneys for Defendant YAHOO! INC.

By: /s/ Jennifer A. Kash (by permission)
Claude M. Stern (CA Bar No. 96737)
Jennifer A. Kash (CA Bar No. 203679)
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100
Email: claudestern@quinnmanuel.com
Email:jenniferkash@quinnmanuel.com

Otis Carroll
Tex. Bar No. 03895700
Collin Maloney
Tex. Bar No. 00794219
IRELAND, CARROLL & KELLEY, P.C.
6101 S. Broadway, Suite 500
Tyler, Texas 75703
Tel: (903) 561-1600
Fax: (903) 581-1071
Email: Fedserv@icklaw.com

Attorneys for Defendants IAC SEARCH &
MEDIA, INC. and LYCOS, INC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 10th day of December, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Thomas B. Walsh, IV
Thomas B. Walsh, IV